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July 29, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

I write to express my concerns with the Centers for Disease Control and Prevention's (CDC) current weak leadership, political interference, and constantly changing guidance, which is undermining the credibility of the office and the Department of Health and Human Services (HHS or Department).

President Biden's CDC Director, Rochelle Walensky, is failing to manage the CDC in a responsible, professional, and non-partisan manner. As an example, agency emails obtained by Americans for Public Trust reportedly show that CDC officials—including Director Walensky—were in regular contact with the American Federation of Teachers (AFT) in the weeks leading up to the CDC's promulgation of muddled and controversial school reopening guidance, which occurred on February 12, 2021.¹ Additionally, on March 29, Director Walensky said she had a feeling of "impending doom" when it came to the pandemic,² yet that same day, on the Rachel Maddow Show, she seemed to contradict herself, saying vaccinated individuals no longer carry the virus, a claim CDC career scientists later corrected.³ Later that week, the CDC said that vaccinated Americans could safely travel again, but Director Walensky then said the CDC did not actually want them to travel.⁴ On May 13, the CDC published guidance stating that

¹ <https://nypost.com/2021/05/01/teachers-union-collaborated-with-cdc-on-school-reopening-emails/>.

² <https://www.cnn.com/videos/health/2021/03/29/cdc-walensky-warning-30-million-cases-vpx.white-house>.

³ <https://www.nytimes.com/2021/06/10/health/walensky-cdc-covid.html>.

⁴ *Id.*

vaccinated individuals no longer need to wear masks, but less than three months later, on July 27, the CDC reversed its guidance and stated that vaccinated individuals do need to wear masks indoors.⁵

I am also concerned that Director Walensky is causing a brain drain at the highest levels of the CDC in her efforts to push politically motivated guidance. President Biden and Director Walensky pledged to make sure career scientists' voices were heard, with Director Walensky stating they were "muzzled" by the Trump administration.⁶⁷ Instead, Americans saw an exodus of the top career CDC scientists, including Dr. Nancy Messonnier, the former director of the CDC's National Center for Immunization and Respiratory Diseases, who announced her resignation after 25 years with the CDC,⁸ and Dr. Anne Schuchat, Principal Deputy Director of the CDC, who announced her retirement after 33 years with the CDC. According to Politico, Dr. Schuchat's retirement decision followed several clashes with Director Walensky.⁹

At the Education and Labor Committee hearing in which you testified on June 16, 2021, you amplified my concerns by claiming you were unaware of conflicts between Director Walensky and career scientists. This was either a purposeful misrepresentation of the problem's severity or an apparent lack of understanding of what is happening within your agency.

To understand fully the Biden administration's purported approach to making decisions grounded in science, the impact of Director Walensky's leadership and management choices, and the most recent change in the CDC mask guidance, please respond to the following questions no later than Thursday, August 12, 2021:

1. On July 4, 2021, President Biden declared a "summer of freedom" from COVID-19.¹⁰ Please answer the following questions relating to the scientific basis for requiring vaccinated individuals to wear masks since July 4, 2021:
 - a. What percentage of vaccinated individuals aged 18 and above have experienced breakthrough infections?
 - b. What percentage of vaccinated individuals aged 12 to 17 have experienced breakthrough infections?

⁵<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

⁶ <https://www.washingtonpost.com/politics/2020/03/24/biden-campaigns-false-claim-top-cdc-official-was-silenced/>.

⁷ <https://www.forbes.com/sites/jackbrewster/2021/01/24/cdc-director-agency-was-muzzled-under-trump/?sh=354e35786fed>.

⁸ <https://www.politico.com/news/2021/05/17/cdc-covid-masks-walensky-489160>.

⁹ <https://www.politico.com/news/2021/05/17/cdc-schuchat-steps-down-489077>.

¹⁰ <https://twitter.com/POTUS/status/1411683838552645632?s=20>.

- c. What is the hospitalization rate for vaccinated individuals aged 18 and above?
 - d. What is the death rate for vaccinated individuals aged 18 and above?
 - e. What is the hospitalization rate for vaccinated individuals aged 12 to 17?
 - f. What is the death rate for vaccinated individuals aged 12 to 17?
 - g. What percentage of vaccinated individuals aged 12 to 17 who were hospitalized or died were either immunocompromised or had comorbidities?
 - h. What is the hospitalization rate for individuals under age 12?
 - i. What is the death rate for individuals under age 12?
 - j. What percentage of individuals under age 12 who were hospitalized or died were either immunocompromised or had comorbidities?
2. The CDC's July 27 guidance states that all students, regardless of their vaccination status, must always wear masks at school, even among other fully vaccinated individuals.
 - a. What is the scientific justification for treating vaccinated students at school differently from vaccinated adults outside of school? What data was used to make this decision?
 - b. Does this guidance apply equally to schools that do not enroll students under the age of 12?
 - c. Does this guidance apply to camps?
 3. There are currently eight states that prohibit local mask mandates in schools. How will this guidance impact states that have explicitly banned mask wearing in schools? Do you stand by your statement at the June 16 hearing that the CDC statement is merely guidance and cannot and will not be enforced as mandatory requirements on schools?
 4. Senior administration officials learned about the CDC's May 13 change in mask guidance the evening before the announcement, and the President was not briefed on the guidance

until the morning of the announcement.¹¹ On what date did the CDC initially consult the White House regarding the July 27 change in mask guidance? To what extent was the White House included in this decision-making process? Did the CDC Director confer with the Secretary of Education prior to the updated guidance being released?

5. What outside entities or groups were consulted in the process of creating the new CDC mask guidance?
6. White House Press Secretary Jen Psaki stated that President Biden was briefed on the change to the CDC mask guidance on the morning of July 27 by National Institutes of Allergy and Infectious Diseases Director Anthony Fauci.¹² Did Director Walensky brief President Biden on the change to the mask guidance? If not, why not?
7. Please provide all emails related to the July 27, 2021, CDC mask guidance sent or received by any individual who is a political appointee, possesses a who.eop.gov email account, is in HHS senior career leadership, or is in Office of Management and Budget senior career leadership.
8. What is the Department's interpretation of Section 564 of the *Federal Food, Drug, and Cosmetic Act* as it applies to federal, state and local vaccine mandates?
 - a. Does the Department believe that loss of employment reasonably allows the patient the option to refuse administration of the product?
 - b. How does the Department define the term "consequences"?
 - c. Does the Department consider COVID-19 testing to be a reasonable alternative to vaccination when a patient refuses administration of a COVID-19 vaccine that has not been fully approved?
9. Since your June 16, 2021, testimony at a Committee on Education and Labor hearing, have you been made aware of any reports of personal or political conflicts or disagreements between Director Walensky and current or former career staff at the CDC?

¹¹ https://www.washingtonpost.com/politics/biden-masks-cdc/2021/05/20/6467e66e-b974-11eb-a5fe-bb49dc89a248_story.html.

¹² <https://www.youtube.com/watch?v=u6AqQhYQ4ZQ>.

I look forward to receiving responses to these queries. Please contact Taylor Hittle (taylor.hittle@mail.house.gov) and Brad Thomas (brad.thomas@mail.house.gov) with Committee staff should you have any questions.

Sincerely,



Virginia Foxx
Ranking Member